

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, July 24, 2013, 1:00 p.m., Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Cathy Beecham, Michael Cornelius, Tracy Corr, Dennis Scheer and Ken Weber (Chris Hove, Jeanelle Lust and Lynn Sunderman absent); Marvin Krout, Steve Henrichsen, Brian Will, Christy Eichorn, Sara Hartzell, Jean Preister and Teresa McKinstry of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Meeting

Chair Michael Cornelius called the meeting to order and acknowledged the posting of the Open Meetings Act in the back of the room.

Cornelius requested a motion approving the minutes for the regular meeting held July 10, 2013. Corr moved approval, with amendment on page 6: "The applicant replied that they have not contacted the South Salt Creek Community Organization", seconded by Beecham and carried 5-0: Beecham, Cornelius, Corr, Scheer and Weber voting 'yes'; Lust, Hove and Sunderman absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

July 24, 2013

Members present: Beecham, Cornelius, Corr, Scheer and Weber; Hove, Lust and Sunderman absent.

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 08017B and SPECIAL PERMIT NO. 12027A.**

There were no ex parte communications disclosed.

Weber moved approval of the Consent Agenda, seconded by Corr and carried 5-0: Beecham, Cornelius, Corr, Scheer and Weber voting 'yes'; Hove, Lust and Sunderman absent.

Note: This is final action on Special Permit No. 08017B and Special Permit No. 12027A, unless appealed to the City Council within 14 days.

COUNTY SPECIAL PERMIT NO. 13033,
THE PRESERVE AT CROSS CREEK 1ST ADDITION
COMMUNITY UNIT PLAN,
ON PROPERTY GENERALLY LOCATED
AT SOUTH 64TH STREET AND ROCA ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 24, 2013

Members present: Corr, Scheer, Beecham, Weber and Cornelius; Hove, Lust and Sunderman absent.

The Clerk announced that the applicant has requested a two-week deferral of the public hearing. Beecham moved to defer, with continued public hearing and action scheduled for Wednesday, August 7, 2013, seconded by Scheer and carried 5-0: Corr, Scheer, Beecham, Weber and Cornelius voting 'yes'; Hove, Lust and Sunderman absent.

Opposition

1. David Malcom, 15830 S. 54th Street, testified in opposition. This application was presented to the Roca Planning Commission, which voted to deny the developer's request to expand the lot sizes on the Roca portion. He stated that he is opposed because it has come to his attention that in order to reduce the lot sizes as requested, it would require a community sewage treatment facility as opposed to underground septic or lagoon. Malcom's property is around the corner from this development. His biggest concern is that the sewage system would dump treated water into a creek bed that is on his and his neighbor's property that during the dry part of the year does not usually have water in it. That creek bed is not an active flowing creek bed. It only flows when there is high water. He is concerned about treated water being dumped there and staying stagnant.

Malcom also stated that since the Roca meetings, he has learned a lot about these sewage facilities. He has talked to homeowners at Foreman Ridge and others that have this type of facility. Although the County is responsible for making sure it is maintained and doing annual inspections, there were still failures in their systems that resulted in dumping untreated sewage into their creek bottom, and thus his concern.

There was no further public testimony.

SPECIAL PERMIT NO. 13017,
S5TONE CREEK COMMUNITY UNIT PLAN,
ON PROPERTY GENERALLY LOCATED
AT SOUTH 82ND STREET AND OLD CHENEY ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 24, 2013

Members present: Corr, Scheer, Beecham, Weber and Cornelius; Hove, Lust and Sunderman absent.

There were no ex parte communications disclosed.

Staff recommendation: Conditional approval.

Staff presentation: **Brian Will of Planning staff** explained that this is a request for a community unit plan on approximately 8 acres for 38 dwelling units at approximately 82nd & Old Cheney Road. The proposal takes the form of two types of dwelling units – attached with shared garage and common driveway, and the second with garages separated and separate driveways.

There were two concerns in working through the review process. One relates to the attached single-family dwellings and the second is accommodating drainage through the development. Old Cheney Road is unimproved so some of the drainage from Old Cheney Road flows through the site, and there is a little detention facility associated with a residential development to the south which also drains through this site to the north and into a storm sewer at the northeast corner of the site. The developer had to accommodate the existing drainage as well as displacement and detention for this development.

Will also advised that staff is satisfied that this proposal generally meets the small lot standards. The only deficit is the requirement for access from the rear on one lot. The setback adjustment relates to the rear yards – in some places adjusted to zero – which staff supports since the property abuts open space and drainage. There is a reduction down to 13 feet on some lots which back up to the drainage facility. The lots backing onto existing lots maintain the required setback for the district.

With regard to the adjustments to lot width and lot area, these are adjustments which are typically found with attached single-family layouts. There is a request to adjust the minimum radius for cul-de-sacs and Public Works is supportive of that so long as parking is restricted.

There is also a request to waive a sidewalk. Will stated that there is a pretty complete sidewalk network through the development with the exception of the west side of Grand Oaks Place, and staff is supportive of that sidewalk waiver. Otherwise, there are

sidewalks on the east side which cross the drainage facility along Barrington Court and also a connection to Old Cheney Road.

Will summarized that staff is agreeable to the waivers as requested, and subject to the conditions of approval, staff is recommending approval.

Corr asked whether there is a sidewalk connecting the two cul-de-sacs. Will answered in the affirmative.

With regard to the adjustments to the rear yard setbacks, Corr referred to Note 3a which states that there will not be decks allowed on some of those structures. Will responded that you cannot encroach over a lot line, so either the structure will have to be backed up enough to allow a deck, or if they build to the rear lot line, a deck will not be allowed. Corr wondered whether a flat patio would be allowed. Will stated that it would not be allowed because you cannot encroach across the lot line. Those improvements have to be on the rear lot. That is why it is important that this be noted on the site plan.

Beecham inquired how the “no parking” in the cul-de-sac will be handled. Will stated that there will be a note on the site plan and he would think it would need to be physically posted on the site. These are public streets, so it will have to be signed at the developer’s cost. Weber wondered about enforcement. Will advised that the city enforces all of the conditions and requirements.

Beecham asked whether there is parking available across from the driveways. Will stated yes, along Grand Oaks Place. That is the rationale for the arrangement of the different types of dwellings such that there are opportunities for some on-street parking. Each dwelling unit will have a two-stall garage with parking in the driveway and on the street. Will showed renderings of the garages.

Proponents

1. Mark Hunzeker appeared on behalf of the applicant. This is an interesting site. It is narrow and small and has some design constraints. As a result, the density proposed is just a little over half of the allowable density in the R-3 District. This is a very low density project. The waivers are fairly typical for this type of project and the Comprehensive Plan encourages this type of infill development on available land within the City limits where use of the infrastructure can be maximized. The applicant agrees with all conditions of approval set forth in the staff report.

Beecham inquired whether the sidewalks link up with any sidewalks in other developments. Hunzeker observed that there are sidewalks in Old Cheney Road and in Grand Oaks, so it does go all the way through.

Corr noted in the application letter from ESP that they mention the development is not within the Barrington Park Association. Hunzeker agreed. Barrington Park is the property to the west.

Corr sought the location of the five adjacent properties to which letters were sent in the northeast portion of the development. Hunzeker showed them on the map, indicating that those properties are along the east boundary of the site. Grand Oaks Drive is the north boundary of the site and the property owners referred to are those abutting "this side of the site" (showing on the map). There will be some excavation in that area immediately to the west of those lots in order to facilitate the detention cell that is required.

Corr noted that the developer met with the Barrington Park homeowners to the west. What were their feelings on the project? **Lyle Loth of ESP Engineers** indicated that the developer met with the Board of Barrington Park Association and presented the plans. They seemed very receptive to the proposal. He did point out that Barrington Park would need to give permission for the developer to occupy their property to do some grading and rebuild a storm and sanitary sewer. The only part involved, however, will be the Barrington Park outlot, which is along the west side of the property and contains the drainage area and an overhead power line.

Hunzeker also pointed out that for all practical purposes, the townhome units that are being proposed are identical to those which exist in Barrington Park.

Support

1. **Dan Navratil, President of Barrington Park Association**, acknowledged that they met with the engineer. There are several issues that have come up. Old Cheney Road is going to be redone and he wondered about storage of the water. There is a big gully in the area where there is nothing that is going to be done. He suggested that part of the grading should include that area. The Barrington Park Association is concerned because Old Cheney Road is going to come part of the way to the south and then this drainage or storage is going to come, leaving an area where there is nothing that is going to be done.

Navratil also expressed concern about the weeds on the north side of the property where they are hauling dirt. There are all kinds of varmints and animals in there and it has not been cut at all. That is something that should be done.

Navratil also suggested that there needs to be a traffic light installed at Glynoaks Drive and South 84th Street for the people going out of Barrington Park trying to get to 84th Street.

Navratil had no objection to the remaining design of the project.

Cornelius suggested that the request for a traffic light on South 84th be taken to Public Works.

2. Bruce Meyer, 8035 Grand Oaks Drive, testified about the power line next to his property. He has maintained the yard underneath the power line. There are major big trees there now. The power line has an easement, although he did not know how many feet. He does not want a piece of no-man's land left between the new development and the power line. If the trees are going to go, he wants all of them removed. This is a floodplain. It is low and gets a lot of water. The holding pond that is in Barrington Park catches all the water off of Barrington Drive and sometimes it's a lot of water. Meyer believes that the developer's proposal for the drainage system is a little questionable.

He inquired whether there would be basements in these units. If so, it is so low in there that they will have water in those basements.

Opposition

1. Dedri Wendt, 5605 S. 82nd Street, testified in opposition. She lives on the southeast part of the site and this development affects her directly. She received no notifications. She started investigating because of the noise in her back yard and she wants to know what's going on with that area of this development. Is there going to be any type of noise barrier because of the added traffic through the development and while they are under construction? She has a neurological disorder such that the noise from the excavating causes her to have to remove herself from her house during construction.

Staff questions

Scheer asked for an explanation and clarification of the Public Works comments regarding the drainage. **Dennis Bartels of Public Works** stated that there is development that has occurred on the south side of Old Cheney Road probably up to the half-mile line to the south of Lincoln Christian School. The drainage starts up there and drains to Old Cheney Road. There is an existing culvert beneath Lincoln Christian School. That culvert will be replaced when we do the project. The water has historically drained across on the east edge of the Barrington Park townhomes and partially in this lot, and then it angles across to about the northeast corner of this 8-acre site into a storm sewer that was built with Hartland Home Estates to the north and to the east (houses along 82nd). This is a significant drainage area. Public Works had some concerns regarding the pipe that picks up the drainage at Grand Oaks Drive. As a result, ESP had to analyze the drainage that comes through there clear up to the 100-year storm. That is why some of the fill is going on there. All of the lots must be raised to an elevation above that 100-year flow. Bartels stated that he could not speak for potential groundwater problems, but there should not be any surface water problems

that get into any of the basements. There are no provisions for analyzing the potential groundwater situation with drainage.

Bartels then explained that the extra review time was because of some of the questions raised by Public Works and Watershed Management about the drainage. The engineer took an extra couple of weeks and refined the design to answer their questions. Public Works is now satisfied that after this development, the situation will be an improved, or at least not a worse situation than it is today. This is a difficult piece to develop because of the wide draw through there. Public Works was concerned and a lot of issues were raised, but Public Works believes the applicant has addressed their concerns.

Response by the Applicant

Hunzeker addressed the drainage issue. When Old Cheney Road is widened, the existing culvert that runs under Old Cheney Road will be replaced and enlarged to accommodate the drainage coming from the south side of Old Cheney Road. The drainage runs into the detention cell through a pipe, then to another detention cell and then out to a public storm bank. As a result of the detention cells, the base flood elevation in a 100-year storm is one foot lower after this project is finished than it was prior.

Hunzeker concurred that the detention area west of this new development will tie into the detention cell to the east.

With respect to the weeds, Hunzeker pointed out that this applicant does not yet own or have control of the site, but hopefully that will take place very soon and they will take care of the weeds.

Hunzeker did not know whether there will be a traffic light during construction. That is a decision of Public Works.

With respect to the southeast portion of the site, Hunzeker stated that to be an area where no waivers are being requested. There will be full depth lots and full setbacks along there, and the street will be about 130-140 feet west of the east property line. Hopefully, the noise issue will not be a problem. Any noise that may occur during construction would be governed by Lincoln's noise ordinance.

Beecham inquired whether there is a LES easement along the western edge. Hunzeker acknowledged that there is about a 70' easement that runs along the east side of the Barrington Park project. Beecham inquired whether LES is the appropriate contact if someone has concerns about maintenance. Hunzeker was not sure LES would deal with the maintenance. The maintenance of the outlot would generally be the responsibility of the Barrington Park Association. Hunzeker suggested that the

trees referred to were up along Grand Oaks Drive, and those are along the east side of the Barrington Park property and the west edge of this property. It looks like the trees are gone up to the property line because the street is going to be built along that west property line. That is a full size residential street virtually right up against that property line. He does not believe there will be any trees on the east side of that property line. If Barrington Park wants a couple extra trees taken out, that is something that can be discussed.

ACTION BY PLANNING COMMISSION:

July 24, 2013

Scheer moved to approve the staff recommendation of conditional approval, seconded by Weber.

Cornelius observed that this is a challenging location. The applicant points out that this proposal does conform with various parts of the Comprehensive Plan, particularly trying to make use of existing infrastructure with infill development. Its shape is challenging as well as the drainage, but we have heard testimony that these issues have been addressed. It has waivers because of its shape. He normally champions for sidewalks, but he thinks the waiver makes perfect sense in this case.

Motion for conditional approval carried 5-0: Corr, Scheer, Beecham, Weber and Cornelius voting 'yes'; Hove, Lust and Sunderman absent. This is final action, unless appealed to the City Council within 14 days.

There being no further business, the meeting was adjourned at 1:45 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on August 7, 2013.